

REMARKS

Claims 1-19 were noted in the "Disposition of Claims" of the aforesaid Office Action. Claims 7-11 and 13-17 are canceled herein, and no new claim has been added, leaving claims 1-6, 12, 18 and 19 for further consideration.

Claim 3 stands rejected under 35 U.S.C. 112 as indefinite for lack of an antecedent basis for "said configuration". Claim 3 has been amended to overcome the indefiniteness.

Claim 4 stands rejected under 35 U.S.C. 112 as indefinite for lack of an antecedent basis for "said portion". Claim 4 has been amended to rectify the indefiniteness shortcoming.

Claim 5 stands rejected on the same grounds as claim 4 and has been similarly amended.

Accordingly, it is believed that the 35 U.S.C. 112 problems have been resolved and that the rejection based thereon should be vacated, which is respectfully requested.

Claims 1-6, 12, 18, and 19 stand rejected under 35 U.S.C. 102(b) as anticipated by DE 296 18 925 - Mahmoodie, it being pointed out in the Office Action that some limitations in these claims were based on functional language and were therefore deemed to carry no patentable weight.

Claim 1 has been amended to include the following limitations:

"A valve shield comprising a shaped sheet of material structured for affixing to an annulus of a cardiac valve..."

"said sheet of material having a surface area and surface configuration matching a substantially total surface area and a substantially total surface configuration of the first leaflet of the valve..."

"said sheet of material...shaped complementarily to the second leaflet so as to be substantially wholly contactable by an edge portion of the second leaflet of the valve..."

"whereby to facilitate interengagement of the second leaflet edge portion and an edge portion of the first leaflet to effect closing of the valve.

The above language would appear to "structuralize" the claimed invention.

Turning to claim 1, as amended, and to Mahmoodie, claim 1 is limited, inter alia, to "a valve shield comprising a shaped sheet of material...said sheet of material having a surface area and a surface configuration substantially matching a substantially total surface area and a substantially total surface configuration of the first leaflet..."

Mahmoodie appears to show a shield (the lower, for example, of the two curved generally horizontal members) which has a surface area and a surface configuration falling well short of matching the total surface area and total configurations of the underlying leaflet.

Claim 1 is further limited to the sheet of material being "shaped complementarily to the second leaflet so as to be substantially wholly contactable by an edge portion of the second leaflet of the valve, whereby to facilitate interengagement of the second leaflet edge portion and an edge portion of the sheet of material to effect closing of the valve.

In Mahmoodie the sheet of material, i.e., the shield, is not engageable by the opposing leaflet to effect closing of the valve.

Accordingly, it is believed that claim 1 is presented in structural terms and includes elements not seen in, or suggested by, Mahmoodie, and allowance of claim 1 appears to be in order.

Claims 2-6 depend directly or ultimately from claim 1 and would appear to be allowable, at least through dependency.

As noted above, claims 7-11 have been canceled.

Claim 12 depends from claim 2 and is therefore believed to be allowable through dependency.

As noted above, claims 13-17 have been canceled.

Claim 18 is a method claim including the steps of: "providing a valve shield comprising a shaped sheet of material having a surface area and configuration substantially matching substantially an entirety of the surface area and surface configuration of the first leaflet of the valve..."

In Mahmoodie there is no provision of a sheet of material having a surface area and configuration substantially matching

substantially an entirety of the surface area and surface configuration of a valve leaflet.

Claim 18 is further limited to providing a shaped sheet of material having an edge configuration complementary to an edge configuration of the second leaflet.

In Mahmoodie, the two shields appear to have different curvatures, and do not appear to be complementary.

Claim 18 is still further limited to the step of affixing the valve shield to the annulus of the valve so that the shield overlies the substantial entirety of the first leaflet of the valve to facilitate closing of the valve by edge to edge contact between the shaped sheet of material edge and the edge of the second leaflet. Again, Mahmoodie does not appear to contemplate edge to edge complementary engagement.

Claim 18 was objected to because of an informality. The claim has been so extensively amended, it appears that the objection no longer pertains.

While the language of claim 18 has been amended to include more definite structure, the final rejection thereof based on perceived lack of structure is not fully understood, in view of its being a method claim. At any rate, the claim has been extensively amended and appears to stand well clear of Mahmoodie with regard to the structure included in the claim, and certainly with regard to the method steps recited.

Claim 19 depends from claim 1 and would appear to be allowable through dependency.

In summary, it is believed that claims 1-6, 12, 18 and 19 are in condition for allowance, which is most respectfully requested.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Respectfully submitted,

*James A. Sheridan 3/4/05*

James A. Sheridan

Registration No. 43,114

Pandiscio & Pandiscio

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No. (781) 290-0060

EC2/VIA13.AMD5

VIA-13